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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,907	03/13/2001	Yoshiaki Segawa	1924.65310	2790
24978	7590	06/22/2006	EXAMINER	
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			SWEARINGEN, JEFFREY R	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/804,907

Applicant(s)

SEGAWA ET AL.

Examiner

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 4/13/2006 have been fully considered but they are not persuasive.
2. Applicant argued Donahue failed to disclose a reply unit that stores reply information corresponding to a request issued by an external device. See the Name Binding Protocol in column 6, lines 49-65. Applicant failed to claim a correlation between the request issued by the external device and the reply information.
3. Applicant argued Donahue failed to store data in a memory. This is inherent to Donahue. Data cannot be transmitted if it does not exist. If data exists, then it is present in some sort of memory because data must be present in some sort of memory in order to electrically exist in a computer. This memory could be the buffers on the network interface cards, a hard disk cache, or the RAM in the system transmitting the data. Regardless, the data is stored in a memory.
4. Applicant argued Donahue failed to disclose a connection monitoring unit that monitors the connection for transmitting the reply information from the reply unit. See Figure 4, item 208 for one example of connection monitoring in Donahue.
5. Applicant repeated the argument about storing information in a memory for claim 2. When the connection is terminated in Donahue, the memory transmitting information about the connection is necessarily closed and erased.
6. Applicant did not address claim 3.

### *Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Donahue et al. (U.S. Patent No. 5,835,721).

9. In regard to claims 1, 4 and 5, Donahue disclosed:

*a reply unit configured to transmit reply information corresponding to a request issued by the external device, and to store the reply information in a memory;*

*a connection monitoring unit configured to monitor a connection between the data communication device and the external communication device, the connection for transmitting the reply information from the reply unit; and*

*a transmission unit configured to transmit the reply information corresponding to the connection stored in said memory to said external communication device based on a result of the monitoring by said connection monitoring unit if the transmission unit determines that the connection has been abnormally cut off. See Donahue, column 1, line 57 – column 2, line 9; column 6, lines 19-35; column 6, lines 51-65; column 7, lines 1-35.*

10. In regard to claim 2, Donahue further disclosed:

*a reply information destruction unit which destroys the reply information stored in said memory if the reply information destruction unit determines that the connection has been is normally released based on the result of the monitoring by said connection monitoring unit. See Donahue, column 10, lines 12-15.*

11. In regard to claim 3, Donahue further disclosed:

*the reply information includes identification information for identifying the request. See Donahue, column 8, lines 1-19.*

12. In regard to claim 6, Donahue further disclosed:

13. *the reply information further includes an IP address, a port number, client application names and replay data, wherein the client application names are names of a request transmission section and a reply reception section of the external communication device and the replay data transmitted from the transmission unit. See Donahue, column 8, lines 5-19.*

### **Conclusion**

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14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
15. Morgenstern et al. US 6,614,756 B1
16. Hsing et al. US 6,167,025
17. Mathe et al. US 6,141,414
18. Akimoto et al. JP 0325427 A
19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason Cardone  
Supervisory Patent Examiner  
Art Unit 2145